

**SPECIAL MEETING MINUTES OF THE
PEACE OFFICER STANDARDS
AND TRAINING BOARD**

**BCI CONFERENCE ROOM
BISMARCK, NORTH DAKOTA
March 29, 2017**

Members Present

John Klug
Sarah Warner
Dan Haugen
Scott Thorsteinson
Paul Lies
Lyn James
Chad Kaiser

Members Absent

Tom Falck

Guests

Michael Lee
James Meagher
Michelle Meagher
Steve Engen

Legal Counsel

Mike Mahoney

Administrative Staff

Duane Stanley
Monica Sebastian

The meeting was called to order by Chairman John Klug at 2:00 p.m. The roll was taken. All members were present except Tom Falck.

Funding Request

The Bowman Police Department is asking for \$14,875.00 for Advanced ALICE Training that would host up to 25 officers.

Motion

Dan Haugen made a motion to fund \$595 per person to attend the Advanced ALICE Training. Chad Kaiser seconded the motion. Lyn James abstained. All in favor, motion carried.

POST Board Hearing 17-001 (Jodi Kirkwood)

At the February 15, 2017, POST Board meeting, Duane Stanley provided members of the Board documentation that had been received at the POST Board Office regarding Jodi Kirkwood and an incident that occurred in Miles City, MT. Ms. Kirkwood was charged with disorderly conduct on July 15, 2016. A motion had been made that Jodi Kirkwood did violate Administrative Rule 109-02-05-01(4c).

A notice of hearing was sent to Ms. Kirkwood on March 1, 2017, stating that the Board would review her case and determine at the March 29, 2017 meeting whether or not the Board would commence adverse action against her license. Initially Ms. Kirkwood relayed to POST Board staff that she was unable to make the hearing and wanted to reschedule. Then Ms. Kirkwood stated she could make the hearing. The morning of the scheduled hearing, Ms. Kirkwood e-mailed staff and indicated she was sick and would not be able to attend. POST Board Legal Counsel had Mr. Stanley send an e-mail to Ms. Kirkwood stating she would have the opportunity to call into the hearing at 2:10 p.m. central time. Ms. Kirkwood did not show up for the hearing. At approximately 2:15 the hearing was started. The sentencing order (Exhibit A) stating Ms. Kirkwood was assessed a fine of \$210 including surcharge and administration fees was entered into the record.

Motion

Dan Haugen made a motion that Jodi Kirkwood did violate 109-02-05-01(4c) and this does have a direct bearing on her ability to perform peace officer duties. Paul Lies seconded the motion. All in favor, motion carried.

Dan Haugen made a motion to start adverse action in accordance with NDCC 12-63-12 and that Ms. Kirkwood be placed on probation for six months starting March 29, 2017, and cannot violate any criminal laws, administrative rules, or the peace officer code of conduct in the six month period. Ms. Kirkwood is also required to complete a conflict management course within the probationary time period and will need to provide documentation that she is in fact completed the course. Sarah Warner seconded the motion. All in favor, motion carried.

POST Board Hearing 17-002 (Michael Lee)

At the February 15, 2017, POST Board meeting, Duane Stanley provided members of the Board the termination form and supporting documentation received from the Grand Forks County Sheriff's Department regarding Michael Lee who was involved in an altercation November 23, 2016 in a bar located in Thompson, ND. A motion had been made that Michael Lee violated Administrative Rule 109-02-05-01(4c). The motion was carried.

A notice of hearing was sent to Mr. Lee on March 1, 2017, stating that the Board would review his case and determine at the March 29, 2017 meeting whether or not the Board would commence adverse action against his license.

The POST Board reviewed all documentation that had been received at the POST Board Office. Body camera footage from an officer that responded to this incident was also reviewed. The Board took sworn testimony from Michael Lee and James Meagher. A verbatim interview (Exhibit A), a document titled Employee Performance Evaluation (Exhibit B), along with a letter addressed from a citizen to the Sheriff (Exhibit C) were taken into evidence

Motion

Dan Haugen made a motion that Michael Lee did violate Administrative Rule 109-02-05-01(4c) and that this does have a direct bearing on his ability to perform peace officer duties. Scott Thorsteinson seconded the motion. All in favor, motion carried.

Scott Thorsteinson made a motion to start adverse action in accordance with NDCC 12-63-12 and that Mr. Lee be placed on probation for six months starting March 29, 2017. Mr. Lee cannot violate any criminal laws, administrative rules, or the peace officer code of conduct in the six month period. Mr. Lee is also required to see a counselor to deal with issues regarding this incident and will need to provide documentation that he is attending the counseling. Chad Kaiser seconded the motion. All in favor, motion carried.

Motion

Sarah Warner made a motion to adjourn the meeting. Chad Kaiser seconded the motion. All in favor, motion carried.

The meeting was adjourned at 3:36 p.m.